

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:14-00114

RONALD BARNETTE

**RESPONSE OF THE UNITED STATES TO DEFENDANT'S
EMERGENCY MOTION FOR CORRECTION OF SENTENCE**

Comes now the United States of America, by Meredith George Thomas, Assistant United States Attorney for the Southern District of West Virginia, in response to Defendant's emergency motion for correction of sentence.

The United States does not believe there is error, much less clear error, in Defendant's sentence, particularly in light of the fact that the Defendant agreed to the calculations and did not object to the calculations as set forth in the Presentence Report.

In accordance with Rule 35(a), "[w]ithin 14 days after sentencing, the court may correct a sentence that resulted from arithmetical, technical, or other clear error." Fed. R. Crim. P. 35(a). According to the Advisory Committee Notes, 1991 Amendments, the authority to correct a sentence provided by the Rule "is intended to be very narrow" and "extend[s] only to those cases in which an obvious error or mistake has occurred in the sentence." This is not the case here.

The United States respectfully requests that the Court deny Defendant's motion.

Respectfully submitted,

R. BOOTH GOODWIN II
United States Attorney

By:

/s/Meredith George Thomas
MEREDITH GEORGE THOMAS
Assistant United States Attorney
WV Bar No.10596
300 Virginia Street, East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email:meredith.thomas@usdoj.gov

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "Response of the United States to Defendant's Emergency Motion for Correction of Sentence" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 11th day of March, 2015, to:

Michael B. Hissam, Esquire
209 Capitol Street
Charleston, West Virginia 25301

/s/Meredith George Thomas
MEREDITH GEORGE THOMAS
Assistant United States Attorney
WV Bar No.10596
300 Virginia Street, East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email:meredith.thomas@usdoj.gov